

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:**

John H. Givens

**Serial No.:** 08/801,812

**Filed:** February 14, 1997

**For:** UTILIZATION OF ENERGY  
ABSORBING LAYER TO IMPROVE  
METAL FLOW AND FILL IN A NOVEL  
INTERCONNECT STRUCTURE

**Confirmation No.:** 6774

**Examiner:** J. Maldonado

**Group Art Unit:** 2823

**Attorney Docket No.:** 2269-6888US  
(1995-1078.00/US)

VIA ELECTRONIC FILING  
February 11, 2009

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Mail Stop Issue Fee  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is filed in response to the Notice of Allowance mailed November 18, 2008 and sets forth Applicant's comments, pursuant to 37 C.F.R. §1.104(e), on the Examiner's Statement of Allowable Subject Matter accompanying the Notice of Allowance.

In the Notice of Allowance, the Examiner indicates:

The prior art of record fails to render obvious to a method of forming an interconnect including forming a diffusion barrier layer and a seed layer on the diffusion barrier layer, wherein the material of the diffusion barrier layer is different from the material of the seed layer; forming an energy absorption layer

on the electrically conductive layer, a material of the energy absorbing layer having a greater thermal absorption than an electrically conductive layer, and removing portion of the energy absorbing layer and the electrically conductive layer that are situated above the top surface of a dielectric material, as argued by the applicants.

Applicants concur with the reasons as stated by the Examiner insofar as they comprise a summary, which is exemplary and not limiting. However, the scope of the claims is based on the actual language of the claims and equivalents thereof, and not on a paraphrase or summary of the claim language.

The Independent claims as allowed recite features and methodology in addition to, and in different language than, those described in the Statement of Allowable Subject Matter. Furthermore, the dependent claims recite elements in addition to those of the independent claims, which are also not reflected in the Statement of Allowable Subject Matter. Such additional elements, in combination with those of the independent claims from which each claim depends, provide additional reasons for patentability. Accordingly, the scope of the claims must be determined from the literal language of each as a whole, as well as all equivalents thereof.

Therefore, to the extent that the Examiner's reasons for allowance as stated are not relevant to, or wholly encompassing of, a particular claim, independent or dependent, Applicants assume that (pursuant to 37 C.F.R. §1.104(e)) the Examiner has determined that the record of the prosecution as a whole of the application makes clear the reasons for allowing those claims. Further, it appears, pursuant to M.P.E.P. 1302.14, that the Examiner's Statements of Allowable Subject Matter are not intended to encompass all of the reasons for allowance.

Serial No. 08/801,812

Respectfully submitted,



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